

Introduced by Senator Cox

February 8, 2007

An act to amend Section 129787 of the Health and Safety Code, relating to seismic safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 211, as introduced, Cox. Seismic safety: application filing fees.

Existing law, the Alfred E. Alquist Hospital Facilities Seismic Safety Act of 1983, requires the Office of Statewide Health Planning and Development (OSHPD) to assume certain duties relating to the review of project applications for construction and alteration of health facility buildings. OSHPD is required to determine an application filing fee to cover the cost of administering the act, in accordance with prescribed limitations. Existing law authorizes postponement of the fee's payment if specified requirements are met, including a requirement that the proposed construction or alteration has been proposed as a result of a seismic event that has been declared to be a disaster by the Governor.

This bill would revise this requirement to instead require the proposed construction or alteration to be proposed as a result of any event that has been declared a disaster by the Governor.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 129787 of the Health and Safety Code
- 2 is amended to read:

1 129787. (a) The payment of the filing fee described in Section
2 129785 may be postponed by the office if all of the following
3 conditions are met:

4 (1) The proposed construction or alteration has been proposed
5 as a result of ~~a seismic~~ *any* event that has been declared to be a
6 disaster by the Governor.

7 (2) The office determines that the applicant cannot presently
8 afford to pay the filing fee.

9 (3) The applicant has applied for federal disaster relief from the
10 Federal Emergency Management Agency (FEMA) with respect
11 to the disaster described in paragraph (1).

12 (4) The applicant is expected to receive disaster assistance within
13 one year from the date of the application.

14 (b) If the office does not receive full payment of any fee for
15 which payment has been postponed pursuant to subdivision (a)
16 within one year from the date of plan approval, the statewide office
17 may request an offset from the Controller for the unpaid amount
18 against any amount owed by the state to the applicant, and may
19 request additional offsets against amounts owed by the state to the
20 applicant until the fee is paid in full. This subdivision shall not be
21 construed to establish an offset as described in the preceding
22 sentence as the exclusive remedy for the collection of any unpaid
23 fee amount as described in that same sentence.